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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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|---|---|--|
| <b>REGINA MCCLELLAN,</b>                | ) |  |
|   | ) |  |
| Plaintiff,                              | ) | <b>Civil Action No. 1:14-cv-00236-NLH-JS</b> |
|   | ) |  |
| <b>v.</b>                               | ) | <b>FIRST AMENDED COMPLAINT AND</b>           |
|   | ) | <b>DEMAND FOR JURY TRIAL</b>                 |
| <b>CLIENT SERVICES, INC. d/b/a CSI,</b> | ) |  |
|   | ) | <b>(Unlawful Debt Collection Practices)</b>  |
| Defendant                               | ) |  |
|   | ) |  |

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**FIRST AMENDED COMPLAINT**

REGINA MCCLELLAN (“Plaintiff”), by her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against CLIENT SERVICES, INC. d/b/a CSI (“Defendant”):

**I. INTRODUCTION**

1. This is an action for damages brought under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter “FDCPA”).

**II. JURISDICTION AND VENUE**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §1331.

3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2).

**III. PARTIES**

4. Plaintiff is a natural person who resides in Wenonah, New Jersey.

5. Defendant is a corporation specializing in debt collection with its principal place of business located at 3451 Harry S. Truman Blvd. St. Charles, MO 63301.

6. At all relevant times, Defendant acted as a “debt collector” within the meaning of 15 U.S.C. § 1692(a)(6), and attempted to collect a “debt” as defined by 15 U.S.C. §1692(a)(5).

7. Defendant regularly conducts business in the State of New Jersey, therefore personal jurisdiction is established.

8. Defendant acted through agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**IV. FACTUAL ALLEGATIONS**

9. At all relevant times, Defendant sought to collect an alleged consumer debt from Plaintiff owed to Sears.

10. The alleged debt arose out of transactions that were primarily for personal, family or household use.

11. As Plaintiff has no business debt, the alleged debt arose out of transactions that were for personal, family or household purposes.

12. In February 2013, Defendant’s collectors, including “Greg” among others, placed repeated harassing telephone calls to Plaintiff’s home and cellular telephones in order to collect the alleged debt.

13. These calls originated from numbers including 800-521-3236. The undersigned has confirmed that this number belongs to Defendant.



1 the debt was not paid, demanding personal financial information from Plaintiff's husband, and  
2 continuing to call after being advised that Plaintiff no longer wished to receive the calls.  
3

4  
5 **COUNT II**  
6 **DEFENDANT VIOLATED § 1692f OF THE**  
7 **FAIR DEBT COLLECTION PRACTICES ACT**

8 24. Section 1692f prohibits a debt collector from using any unfair or  
9 unconscionable means in connection with the collection of a debt.

10 30. Defendant violated §§ 1692f by calling Plaintiff repeatedly in an attempt to  
11 harass, threatening Plaintiff that things would get worse for her if the debt was not paid,  
12 demanding personal financial information from Plaintiff's husband, and continuing to call after  
13 being advised that Plaintiff no longer wished to receive the calls.  
14

15  
16  
17 WHEREFORE, Plaintiff, REGINA MCCLELLAN, respectfully prays for a judgment as  
18 follows:

- 19 a. All actual compensatory damages suffered pursuant to 15 U.S.C. §  
20 1692k(a)(1);  
21  
22 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant  
23 to 15 U.S.C. § 1692k(a)(2)(A);  
24  
25 c. All attorneys' fees, witness fees, court costs and other litigation costs  
26 incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and  
27  
28 d. Any other relief deemed appropriate by this Honorable Court.

1                                   **CERTIFICATION PURSUANT TO L.CIV.R.11.2**

2           I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not  
3 subject to any other action pending in any court, arbitration or administrative proceeding.  
4

5  
6                                   **DEMAND FOR JURY TRIAL**

7           PLEASE TAKE NOTICE that Plaintiff, REGINA MCCLELLAN, demands a jury trial  
8 in this case.  
9

10  
11       DATED: 01/20/14

By: /s/ Amy L. Bennecoff  
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